

Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyd (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare

Harman
Hastings (FL)
Herseht Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hookey
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey

Oliver
Ortiz
Pallone
Pascarelli
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skeltan
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan

Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake

Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxy
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)

Hastings (WA)
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel
E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh

McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Muggrave
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)

Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—30

Ackerman
Bishop (GA)
Brown, Corrine
Clarke
Cubin
Davis, Jo Ann
Engel
Gallegly
Gilchrest
Gutierrez

Hastert
Hayes
Herger
Higgins
Johnson (IL)
Johnson, Sam
Kind
LaHood
Mack
McCarthy (NY)

McDermott
McNulty
Myrick
Nadler
Peterson (PA)
Price (NC)
Radanovich
Sires
Sutton
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 2152

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 3221, NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute.)

Ms. SLAUGHTER. Mr. Speaker, the Rules Committee is expected to meet Thursday, August 2, to grant a rule which may structure the amendment process for floor consideration of H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H-312 in the Capitol no later than 5 p.m. on Wednesday, August 1. Members are strongly advised to adhere to the amendment

deadline to ensure the amendments receive consideration.

Amendments should be drafted to the bill as introduced. A copy of the bill is posted on the Web site of the Rules Committee.

Amendments should be drafted by the Legislative Counsel and also should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of the House. Members are strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

LILLY LEDBETTER FAIR PAY ACT OF 2007

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 579, I call up the bill (H.R. 2831) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ledbetter Fair Pay Act of 2007”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Supreme Court in *Ledbetter v. Goodyear Tire & Rubber Co.*, No. 05-1074 (May 29, 2007), significantly impairs statutory protections against discrimination in compensation that Congress established and that have been bedrock principles of American law for decades. The *Ledbetter* decision undermines those statutory protections by unduly restricting the time period in which victims of discrimination can challenge and recover for discriminatory compensation decisions or other practices, contrary to the intent of Congress.

(2) The limitation imposed by the Court on the filing of discriminatory compensation claims ignores the reality of wage discrimination and is at odds with the robust application of the civil rights laws that Congress intended.

(3) With regard to any charges of discrimination under any law, nothing in this Act is intended to preclude or limit an aggrieved person's right to introduce evidence of unlawful employment practices that have occurred outside the time for filing a charge of discrimination.

SEC. 3. DISCRIMINATION IN COMPENSATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)) is amended by adding at the end the following:

“(3)(A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in

violation of this title, when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

“(B) In any action under this title with respect to discrimination in compensation, the Commission, the Attorney General, or an aggrieved person, may for purposes of filing requirements, challenge similar or related instances of unlawful employment practices with respect to discrimination in compensation occurring after an aggrieved person filed a charge without filing another charge with the Commission.

“(C) In addition to any relief authorized by 1977a of the Revised Statutes (42 U.S.C. 1981a), liability may accrue and an aggrieved person may obtain relief as provided in section (g)(1), including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to unlawful employment practices with regard to discrimination in compensation that occurred outside the time for filing a charge.”.

SEC. 4. DISCRIMINATION IN COMPENSATION BECAUSE OF AGE.

Section 7(d) of the Age Discrimination Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) in the first sentence—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(B) by striking “(d)” and inserting “(d)(1)”;

(2) in the third sentence, by striking “Upon” and inserting the following:

“(2) Upon”; and

(3) by adding at the end the following:

“(3)(A) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when a discriminatory compensation decision or other practice is adopted, when a person becomes subject to a discriminatory compensation decision or other practice, or when a person is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

“(B) In any action under this Act with respect to discrimination in compensation, the Secretary or an aggrieved person, may for purposes of filing requirements, challenge similar or related instances of unlawful employment practices with respect to discrimination in compensation occurring after an aggrieved person filed a charge without filing another charge with the Secretary.”.

SEC. 5. APPLICATION TO OTHER LAWS.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—The amendment made by section 3 shall apply to claims of discrimination in compensation brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5).

(b) REHABILITATION ACT OF 1973.—The amendments made by section 3 shall apply to claims of discrimination in compensation brought under sections 501 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794), pursuant to—

(1) sections 501(g) and 504(d) of such Act (29 U.S.C. 791(g), 794(d)), respectively, which

adopt the standards applied under title I of the Americans with Disabilities Act of 1990 for determining whether a violation has occurred in a complaint alleging employment discrimination; and

(2) paragraphs (1) and (2) of section 505(a) of such Act (29 U.S.C. 794a(a)) (as amended by subsection (c)).

(c) CONFORMING AMENDMENTS.—

(1) REHABILITATION ACT OF 1973.—Section 505(a) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)) is amended—

(A) in paragraph (1), by inserting after “(42 U.S.C. 2000e–5 (f) through (k))” the following: “(and the application of section 706(e)(3) (42 U.S.C. 2000e–5(e)(3)) to claims of discrimination in compensation); and

(B) in paragraph (2), by inserting after “1964” the following: “(42 U.S.C. 2000d et seq.) (and in subsections (e)(3) of section 706 of such Act (42 U.S.C. 2000e–5), applied to claims of discrimination in compensation)”. (2) CIVIL RIGHTS ACT OF 1964.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended by adding at the end the following:

“(f) Section 706(e)(3) shall apply to complaints of discrimination in compensation under this section.”.

(3) AGE DISCRIMINATION ACT OF 1967.—Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking “of section” and inserting “of sections 7(d)(3) and”.

SEC. 6. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect as if enacted on May 28, 2007 and apply to all claims of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, that are pending on or after that date.

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). Pursuant to House Resolution 579, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2831

[Strike out all after the enacting clause and insert the part printed in italic]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lilly Ledbetter Fair Pay Act of 2007”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) *The Supreme Court in Ledbetter v. Goodyear Tire & Rubber Co., No. 05–1074 (May 29, 2007), significantly impairs statutory protections against discrimination in compensation that Congress established and that have been bedrock principles of American law for decades. The Ledbetter decision undermines those statutory protections by unduly restricting the time period in which victims of discrimination can challenge and recover for discriminatory compensation decisions or other practices, contrary to the intent of Congress.*

(2) *The limitation imposed by the Court on the filing of discriminatory compensation claims ignores the reality of wage discrimination and is at odds with the robust application of the civil rights laws that Congress intended.*

(3) *With regard to any charges of discrimination under any law, nothing in this Act is intended to preclude or limit an aggrieved person’s*

right to introduce evidence of unlawful employment practices that have occurred outside the time for filing a charge of discrimination.

(4) *This Act is not intended to change current law treatment of when pension distributions are considered paid.*

SEC. 3. DISCRIMINATION IN COMPENSATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(e)) is amended by adding at the end the following:

“(3)(A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

“(B) In addition to any relief authorized by section 1977a of the Revised Statutes (42 U.S.C. 1981a), liability may accrue and an aggrieved person may obtain relief as provided in subsection (g)(1), including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to unlawful employment practices with regard to discrimination in compensation that occurred outside the time for filing a charge.”.

SEC. 4. DISCRIMINATION IN COMPENSATION BECAUSE OF AGE.

Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking “(d)” and inserting “(d)(1)”;

(3) in the third sentence, by striking “Upon” and inserting the following:

“(2) Upon”; and

(4) by adding at the end the following:

“(3) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when a discriminatory compensation decision or other practice is adopted, when a person becomes subject to a discriminatory compensation decision or other practice, or when a person is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.”.

SEC. 5. APPLICATION TO OTHER LAWS.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—The amendment made by section 3 shall apply to claims of discrimination in compensation brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5).

(b) REHABILITATION ACT OF 1973.—The amendments made by section 3 shall apply to claims of discrimination in compensation brought under sections 501 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794), pursuant to—

(1) sections 501(g) and 504(d) of such Act (29 U.S.C. 791(g), 794(d)), respectively, which adopt the standards applied under title I of the Americans with Disabilities Act of 1990 for determining whether a violation has occurred in a complaint alleging employment discrimination; and

(2) paragraphs (1) and (2) of section 505(a) of such Act (29 U.S.C. 794a(a)) (as amended by subsection (c)).

(c) CONFORMING AMENDMENTS.—

(1) REHABILITATION ACT OF 1973.—Section 505(a) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)) is amended—

(A) in paragraph (1), by inserting after “(42 U.S.C. 2000e-5 (f) through (k))” the following: “(and the application of section 706(e)(3) (42 U.S.C. 2000e-5(e)(3)) to claims of discrimination in compensation)”; and

(B) in paragraph (2), by inserting after “1964” the following: “(42 U.S.C. 2000d et seq.) (and in subsections (e)(3) of section 706 of such Act (42 U.S.C. 2000e-5), applied to claims of discrimination in compensation)”.

(2) CIVIL RIGHTS ACT OF 1964.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) is amended by adding at the end the following: “(f) Section 706(e)(3) shall apply to complaints of discrimination in compensation under this section.”.

(3) AGE DISCRIMINATION ACT OF 1967.—Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking “of section” and inserting “of sections 7(d)(3) and”.

SEC. 6. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect as if enacted on May 28, 2007 and apply to all claims of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, that are pending on or after that date.

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. McKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, discrimination is anathema to everything this country stands for. It is anathema to the promise that is America. Regrettably, the recent Supreme Court's recent Ledbetter v. Goodyear decision threatens to turn back the clock on the progress we have made since the passage of the Civil Rights Act of 1964 more than 40 years ago.

The Supreme Court's decision in Ledbetter severely restricts the right of employees to challenge pay discrimination. It ignores the realities of the workplace, prior precedent, and the clear intent of Congress.

Justice Ginsburg's dissent in this narrowly divided 5-4 decision called on Congress to reverse this decision, and that is what we are here to do today.

Lilly Ledbetter, the plaintiff in this case, worked for Goodyear for over 19 years. When she retired as a supervisor in 1998, she discovered that her salary was 20 percent lower than that of the lowest-paid male supervisor. Not only was Ms. Ledbetter earnings nearly \$400 a month less than her male colleagues, she also retired, obviously, with a substantially smaller pension.

A jury found that Goodyear discriminated against Ms. Ledbetter, and she was awarded \$3.8 million in back pay and damages. This amount was reduced to the \$360,000 damage cap in title VII of the Civil Rights Act.

Despite the jury's finding, the Supreme Court decided that while Good-

year discriminated against Ms. Ledbetter, and it is important that the Members understand that that is what the jury's determination was, they decided that her claim was made too late. Not that she was wrong, not that Goodyear was right. Her claim simply came too late.

Title VII of the Civil Rights Act requires an employee to file an EEOC charge within 180 days of unlawful employment practices. Ms. Ledbetter filed within 180 days, as required, of receiving the discriminatory pay from Goodyear. In fact, she filed as soon as she found out that she was receiving discriminatory pay. She found out thanks to an anonymous note left in her mailbox.

But a slim majority of the Supreme Court found that, because Ms. Ledbetter did not file within 180 days of the discriminatory decision to write those discriminatory paychecks that she received for many, many years, her time had run out. She could not recover anything from Goodyear.

The majority's decision is absurd and entirely shuns the reason in order to satisfy this ideological agenda.

H.R. 2831, the Lilly Ledbetter Fair Pay Act, is narrowly tailored and designed to restore the law on pay discrimination as it was before the Supreme Court's decision, the law as it was for some 35 years, the law as it was reaffirmed in circuit court after circuit court, as it was affirmed by the Congress of the United States.

This bill restores the law so that the 180-day statute of limitations clock runs when a discriminatory pay decision or practice is adopted, when a person becomes subject to the pay decision or practice, or when a person is affected by the pay decision or practice, including whenever she receives a discriminatory paycheck. In other words, every discriminatory paycheck is a violation of the act. That is as the law was for these many, many years. That is what we seek to do.

The bill makes it clear that a victim of pay discrimination is entitled to a full 2 years of back pay. That is as the law currently is. You are entitled to recover up to 2 years' back pay under title VII.

□ 2200

The bill ensures that these simple reforms extend to the Age Discrimination and Employment Act, the Americans with Disabilities Act, and the Rehabilitation Act. H.R. 2831 restores the law to what it was for years before this recent Supreme Court decision in the Ledbetter case.

Circuit court after circuit courts have held that the receipt of a discriminatory paycheck is a new violation of the law. Lilly Ledbetter received her last discriminatory paycheck. She was then informed about it, and she filed within 180 days. That's what the law was, that's what she did, and then this Supreme Court decided somehow that she wasn't within her

rights and that her claim came too late.

The EEOC, in its own compliance manual, states that “discriminatory paychecks can be challenged so long as one is issued within the filing period, regardless of when the decision to issue them was made.” Again, the law before the Supreme Court. In fact, the Congressional Budget Office reports that this would not establish a new cause of action for pay discrimination, it will not significantly effect the number of filings in the EEOC, and it will not significantly increase the cost of EEOC in other Federal courts.

Understand this: Unless Congress acts and employers who have made discriminatory pay decisions before 180 days ago, they will be allowed to lawfully continue discriminating against the people that they employ. If they can hide the discriminatory act for 180 days, they can then continue to discriminate far into the future if they got past the 180 days. That is why this is so important.

The law now tells employers it's okay to discriminate; if you can get away with it for 180 days, you're home free. All we're asking here is to restore the law as it was, which was that each paycheck was a discriminatory act, and under the law you had 180 days to file a claim. That's what this bill says. That's what the law said before. If you file that claim and you're successful, you can receive up to 2 years back pay to make up for that. That's what the law was. That's what we seek to do in this legislation.

This is the only decent thing to do. People say, well, she should have known or she should have asked around or she should have done this, should have done a lot of things. Except we know that also in many instances employers, in fact, have policies where they prohibit employees from asking another employee about their level of pay, about their compensation.

So the fact of the matter is this legislation is absolutely necessary to end these discriminatory practices on pay, be it against a woman, an African American, Hispanic, a person over 60. Whatever the conditions are, it should not be allowed to stand. We should return to the law as it was these many years.

Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this ill-considered and over-reaching legislation.

Proponents of this bill claim it simply reverses a May 29, 2007, U.S. Supreme Court decision and further clarifies congressional opposition to wage discrimination against employees in the workplace. In reality, however, it will set into motion unintended consequences that its supporters simply are not willing to acknowledge.

At the outset, let me make it clear that opposition to discrimination of

any type, be it gender discrimination, racial discrimination, or any other type of discrimination inside or outside the workplace is not confined to one party or the other. Every Member of this Chamber stands in strong opposition to the unfair treatment of any worker, but at the same time we must stand firmly behind a process that ensures justice for all parties, and that includes protecting against the potential for abuse and over-litigation. That, I believe, is where the two parties diverge on the bill before us. We aren't taking sides for or against discrimination in the workplace; rather, we're staking out different positions on fair and equitable justice and the rule of law.

For more than 40 years, title VII of the 1964 Civil Rights Act has made it illegal for employers to determine an employee's pay scale based on his or her gender. And this is a principle upon which all of us, Democrats and Republicans alike, can agree. As such, current law provides that any individual wishing to challenge an employment practice as discriminatory must first file a charge with the Equal Employment Opportunity Commission within the applicable statute of limitations, which is either 180 or 300 days, depending on his or her state of employment after the alleged workplace discrimination occurred.

The statute of limitations was clearly established in the law to encourage the timely filing of claims, which helps prevent the filing of stale claims and protects against abuse of the legal system.

Consider these worst case scenarios, for example. Without a statute of limitations in place, an employee could sue for discrimination resulting from an alleged discriminatory act that might have occurred 5, 10, 20, 40, or even more years earlier. And without a statute of limitations in place, it is entirely conceivable that a worker or retiree could seek damages against a company run by employees and executives that had nothing to do with the initial act of alleged discrimination that occurred dozens of years ago.

H.R. 2831 would essentially dismantle the statute of limitations and replace it with a new system under which every paycheck received by the employee allegedly discriminated against starts the clock on an entirely new statute. While fair-minded and principled, this dramatic change in civil rights law would have incredibly far-reaching impact, one that supporters of the bill have yet to take the time to thoroughly and appropriately consider. And B, under H.R. 2831, the worst case scenarios I just described would become commonplace. And let's not kid ourselves; our Nation's trial lawyers would seize upon them.

Because H.R. 2831 would dismantle the critical statute of limitations, the Bush administration last week threatened to veto, should the bill ever arrive at his desk. Specifically, the adminis-

tration noted that the legislation "would serve to impede justice and undermine the important goal of having allegations of discrimination expeditiously resolved."

Furthermore, the effect of elimination of any statute of limitations in this area would be contrary to the centuries' old notion about limitations, period, for all lawsuits.

At this time, Mr. Speaker, I would like to enter the Statement of Administration Policy into the RECORD.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT
AND BUDGET,

Washington, DC, July 27, 2007.

STATEMENT OF ADMINISTRATION POLICY H.R. 2831—LILLY LEDBETTER FAIR PAY ACT OF 2007 (REP. MILLER (D) CA AND 31 COSPONSORS)

The Administration supports our Nation's anti-discrimination laws and is committed to the timely resolution of discrimination claims. For this and other reasons, the Administration strongly opposes the Ledbetter Fair Pay Act of 2007. H.R. 2831 would allow employees to bring a claim of pay or other employment-related discrimination years or even decades after the alleged discrimination occurred. H.R. 2831 constitutes a major change in, and expanded application of, employment discrimination law. The change would serve to impede justice and undermine the important goal of having allegations of discrimination expeditiously resolved. Furthermore, the effective elimination of any statute of limitations in this area would be contrary to the centuries-old notion of a limitations period for all lawsuits. If H.R. 2831 were presented to the President, his senior advisors would recommend that he veto the bill.

Meaningful statutes of limitations in these sorts of fact-intensive cases are crucial to the fair administration of justice. The prompt assertion of employment discrimination permits employers to defend against—and allows employees to prove—claims that arise from employment decisions instead of having to litigate claims that are long past. In such cases, evidence often will have been lost, memories will have faded, and witnesses will have moved on. Moreover, effective statutes of limitations benefit employees by encouraging the prompt discovery, assertion, and resolution of employment discrimination claims so that workplace discrimination can be remedied without delay.

H.R. 2831 purports to undo the Supreme Court's decision of May 29, 2007, in *Ledbetter v. Goodyear Tire & Rubber Co.* by permitting pay discrimination claims to be brought within 180 days not of a discriminatory pay decision, which is the rule under current law, but rather within 180 days of receiving any paycheck affected by such a decision, no matter how far in the past the underlying act of discrimination allegedly occurred. As a result, this legislation effectively eliminates any time requirement for filing a claim involving compensation discrimination. Allegations from thirty years ago or more could be resurrected and filed in federal courts.

Moreover, the bill far exceeds the stated purpose of undoing the Court's decision in *Ledbetter* by extending the expanded statute of limitations to any "other practice" that remotely affects an individual's wages, benefits, or other compensation in the future. This could effectively waive the statute of limitations for a wide variety of claims (such as promotion and arguably even termination decisions) traditionally regarded as actionable only when they occur.

This legislation does not appear to be based on evidence that the current statute of limitations principles have caused any systemic prejudice to the interests of employees, but it is reasonable to expect the bill's vastly expanded statute of limitations would exacerbate the existing heavy burden on the courts by encouraging the filing of stale claims.

Mr. Speaker, as the President's veto threat makes clear, H.R. 2831 is not a matter of tinkering around the edges as its supporters would have the American people believe. Rather, it is a fundamental overhaul of long-standing civil rights laws. The last major change to these laws occurred more than 15 years ago and after several years of debate. Yet, here we are, barely 2 months removed from a Supreme Court decision ready to grab headlines before we return home for the month of August by advancing a highly flawed bill without any regard to the long-term ramifications it could have should it ever make its way into law.

H.R. 2831 represents bad policy, and even worse processing, and for these reasons I will oppose it. I urge my colleagues to do likewise.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank the chairman for yielding, and I rise in strong support of this legislation.

Mr. Speaker, our friend, the ranking member of the full committee, just said that this bill repeals the statute of limitations. This is completely wrong. The bill does not repeal the statute of limitations for these claims; it restores the statute of limitations that has been in existence for nearly four decades under this law, an interpretation of the statute of limitations that virtually unanimously, in the Circuit Court of Appeals, has been held to be the law.

What is this standard? It says that if a person works in a workplace, as most workplaces are, where knowing what your coworker makes is discouraged or even prohibited, that if you're the victim of discrimination because of your race or your gender or your religion or your nationality, then you have the right to pursue that claim each time a new paycheck is issued that manifests and evidences that discrimination. This is not a novel theory. This has been the law for nearly 40 years. And this bill restores that law.

Second, our friends on the other side talk about these cataclysmic events that are going to occur if the law is restored, people filing suits 70 years after discrimination took place. What an odd plaintiff that would be, Mr. Speaker, someone who has been victimized for 60 or 50 or 40 years by discrimination, but because they want to game the legal system, sit and wait it out? I've never

met that plaintiff, Mr. Speaker, and I don't think anybody really has.

If all of these cataclysmic events were going to happen, why haven't they happened for the last 40 years? Why haven't people sued 40 or 50 years after discrimination took place? It's because that's not what this statute of limitations permits, and that's not human nature.

My friend makes reference, Mr. Speaker, to the worst case scenario. My friends, Lilly Ledbetter lived the worst case scenario. She worked for nearly 20 years for Goodyear. She was very good at her job. She got awards for being an excellent employee. Very late in her career she found out that she was making 20 percent less than the men doing the same job because she was a woman, so she went to the EEOC. She pursued her claim in Federal court. Goodyear stood up and said, oh, no; she was discriminated against not because she's a woman, but because she wasn't as good at her job as the men. And a jury of her peers heard that defense, heard that evidence, and ruled in her favor.

Up the ladder the case went to the United States Supreme Court, and the Court said, she may have been discriminated against, she may have been wronged, but she just didn't do anything about it soon enough; never mind that she followed the rules that had been in effect for nearly 40 years.

This is a restoration of the statute of limitations, not a new statute of limitations or an abrogation of it. And more importantly, it is a restoration of justice for people like Lilly Ledbetter who deserve better than this Supreme Court ruling and deserve the passage of this bill.

I urge my colleagues to vote "yes."

Mr. McKEON. Mr. Speaker, I am happy to yield 2 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I thank the gentleman from California for the time.

Mr. Speaker, today I'm rising to oppose this bill.

We are all for fair pay; we are all for equal pay for equal work, and we are all against discrimination. But, Mr. Speaker, H.R. 2831 does much more than just simply overturn a Supreme Court case in order to provide relief to one plaintiff, Lilly Ledbetter. It constitutes a major change in and extended application of employment discrimination law.

In my opinion, what this change would do would serve to impede justice and undermine the important goal of having allegations of discrimination expeditiously resolved. The bill essentially limits the 1964 Civil Rights Act statute of limitations regarding almost every claim of discrimination available under Federal law and potentially broadens the scope and application of the civil rights laws to entirely new fact patterns, practices and claims.

It also would allow an employee or any individual who can arguably claim

to be affected by an allegedly discriminatory decision relating to compensation wages, benefits, or any other practice to sue for discrimination that may have occurred years or even decades in the past. The anticipated increase in legal and recordkeeping costs created by this legislation would, indeed, be staggering.

Congress should not be in the business of removing incentives for prompt resolution of discrimination claims. And that is what this would do; it would remove the incentive to find a prompt and timely resolution to discrimination claims.

I thank the gentleman from California, and I encourage my colleagues to vote against the bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I recognize the gentleman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Lilly Ledbetter was shortchanged; shortchanged by her employer, by consistent pay discrimination lasting years; shortchanged again by the Supreme Court with its decision limiting a woman's ability to sue their employers for pay discrimination under title VII of the Civil Rights Act.

As Justice Ginsburg suggested in her dissent, Congress now has an obligation to correct the Court's decision. That's why we are here, to make it clear the title VII statute of limitations runs from the date a discriminatory wage is actually paid, not simply some earliest possible date which has come and gone long ago.

I commend Congressman MILLER for acting with urgency to correct the injustice. It is time to value the work that women do in our society, respecting the work that women do, and to value it.

□ 2215

"The plant manager at Goodyear said, The plant did not need women, women did not help it, and women caused problems."

The President's threat to veto this legislation suggests he is happy to limit women's access to equal pay. Let's turn this around, fix the decision and make sure that women who face discrimination, like Lilly Ledbetter faced, have a right to fight against it.

Mr. McKEON. Mr. Speaker, I now yield 4 minutes to the gentleman from Florida (Mr. KELLER), the subcommittee ranking member.

Mr. KELLER of Florida. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the practical effect of this legislation is to do away with the statute of limitations in employment disputes. On May 29, 2007, the United States Supreme Court ruled that Ms. Ledbetter's claim was barred by the statute of limitations.

There is a strong public policy reason for having a statute of limitations in the employment context. Witness' memories fade, documents are lost, and employees die. We want these disputes to be resolved while witness' memories

are fresh, documents are available, and the employees are alive.

The Ledbetter case is a perfect example. Ms. Ledbetter alleged sexual harassment misconduct by a single Goodyear supervisor, yet she waited 19 years after the former supervisor passed away from cancer to file a lawsuit.

On June 12, 2007, Ms. Ledbetter testified before our Education and Labor Committee. She stated, "My story began in 1979 when Goodyear hired me to work as a supervisor in their tire production plant in Gadsden, Alabama. I worked there for 19 years. One of my supervisors asked me to go down to a local hotel with him and promised if I did, I would get good evaluations. He said if I didn't, I would get put at the bottom of the list. I didn't say anything at first because I wanted to try to work it out and fit in without making waves."

At our hearing, I spoke with Ms. Ledbetter at length. She seemed like a nice lady to me. The conversation she described about the motel made you angry about it and sympathetic to her. I wondered what that supervisor would have said 19 years ago. Would he admit it? Would he deny it but not be very credible? Or would he have said that it couldn't have happened because he was in Canada at the time and here is my proof of that?

Well, it turns out that the U.S. Supreme Court was thinking the same type of thoughts I was about this matter. Their opinion makes their concerns crystal clear.

On page 12 of its opinion, the U.S. Supreme Court wrote: "The passage of time may seriously diminish the ability of the parties and the factfinder to reconstruct what actually happened. This case illustrates the problems created by tardy lawsuits. Ledbetter's claims of sex discrimination turned principally on the misconduct of a single Goodyear supervisor, who, Ledbetter testified, retaliated against her when she rejected his sexual advancements during the early 1980s. Yet, by the time of trial, this supervisor had died and therefore could not testify. A timely charge might have permitted his evidence to be weighed contemporaneously."

Supporters of the legislation say that the time period of 300 days in most jurisdictions, 180 days in some, is not enough because an employer might hide the fact that the female employee's salary was less than the amount paid to men for the same work.

There are two responses to that. First, the judicial doctrine of equitable tolling would be available to those type of plaintiffs.

Second, the plaintiffs could file a claim under the Equal Pay Act. This Federal law forbids paying women less than men for the same work. It has a longer statute of limitations and an easier burden of proof. Ms. Ledbetter filed a Equal Pay Act claim, but it was thrown out on the merits by the trial judge who found that Goodyear paid

Ledbetter less because of her performance, not sex. Significantly, Ledbetter abandoned this Equal Pay Act claim.

Mr. Speaker, there is an old saying, hard cases make bad law. That applies here. Do we throw out the statute of limitations in employment cases because a nice lady waited 19 years to file a lawsuit? Common sense tells you the answer is no.

The same public policy reasons for a statute of limitations are still there. We want witness' memories that are fresh, documents that are available and employees who are still alive to tell what actually happened.

Mr. Speaker, I urge my colleagues to vote "no."

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the committee.

Ms. WOOLSEY. Mr. Speaker, this legislation overturns the Supreme Court's 5-4 decision, which offered a very restricted and decidedly unrealistic reading of just when a discriminatory action regarding compensation actually occurs. In doing so, this legislation restores the common and longstanding understanding of employees, employers and the circuit courts alike, that when it comes to discriminatory pay, the protection of title VII extends not only to pay decisions and practices, but to each and every paycheck as well.

Let me say a word about the plaintiff in this case, Lilly Ledbetter. Lilly will not reap the benefits of our legislation, and, as a result, will continue to feel the effect of the court's discriminatory decision to pay her less than her male colleagues for the rest of her life.

Lilly Ledbetter went to work at Goodyear Tires every day for 19 years. She was one of the few female supervisors at the plant. That was quite an accomplishment in and of itself. But what she didn't realize was that for all those years, she was paid less than her male colleagues, 20 percent less by the time she retired, because of discrimination based on her gender.

A jury found that she was discriminated against. They gave her over \$3.8 million in back pay and damages. But the Supreme Court said to her, Ms. Ledbetter, you didn't file your claim within 180 days of the decision to discriminate, and, even though each and every one of your paychecks reflects the discriminatory decision, and you didn't have proof of the discrimination until long after the decision was made, you are out of luck. Lilly Ledbetter, we don't care that your monthly pension and your Social Security benefits also reflect that discrimination.

Now, the President says that he is planning to veto this legislation, and we shouldn't be surprised. But as a tribute to Lilly Ledbetter and other women who work hard to support their families, to get ahead, who face discrimination every day of their lives, vote for H.R. 2831.

Mr. McKEON. Mr. Speaker, I am happy to yield 2 minutes to the gen-

tleman from South Carolina (Mr. WILSON), the subcommittee ranking member.

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman for yielding. I appreciate your leadership for the people of the United States.

Mr. Speaker, I rise in strong opposition to H.R. 2831. This legislation is being improperly classified as a narrow bill with limited ramifications, that simply overturns a Supreme Court decision made on May 29, 2007. In actuality, it is one of the most overreaching pieces of wage discrimination legislation that has ever been considered. If enacted, this legislation would make it impossible for businesses to defend themselves against actions that occurred years in the past.

We all oppose discrimination. Action against those who discriminate in the workplace should be taken quickly. Current laws ensure that disputes over discrimination are addressed expeditiously and with certainty. This bill would eliminate the 1964 Civil Rights Act statute of limitations governing the time within which a party must make a pay discrimination claim, currently 180 days or 300 days, depending on the State of employment.

As an inactive attorney and a person who practiced for 25 years and the proud father of an attorney, who appreciates the legal profession, I believe a statute of limitation serves many purposes. It encourages the timely filing of claims, helps prevent the filing of stale claims, and, most importantly, protects against abuse of the legal system.

Cases should be brought to court as soon as possible after an incident occurs to guarantee memories are fresh and witnesses are available to testify. In the absence of a statute of limitation, a worker or retiree could sue for pay discrimination resulting from an alleged discriminatory act that might have occurred 5, 10, 20 or even 30 years earlier. This same worker or retiree could seek damages against a company run by employees and administrators that had nothing to do with the initial act of alleged discrimination that occurred dozens of years ago.

I am grateful for the leadership of the Education and Labor Committee ranking member Buck McKeon on this issue. I urge my colleagues to oppose this flawed legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Ms. HIRONO), a member of the committee.

(Ms. HIRONO asked and was given permission to revise and extend her remarks.)

Ms. HIRONO. Mr. Speaker, I rise in strong support of H.R. 2831, the Lilly Ledbetter Fair Pay Act of 2007, and I would like to thank Chairman GEORGE MILLER of the Education and Labor Committee for his commitment and dedication to bringing this bill to the floor.

Title VII of the Civil Rights Act of 1964 was enacted to protect individuals

from discrimination they face in the workplace. This bill amends title VII to ensure employees have a realistic remedy to pay discrimination. The bill reinstates the paycheck accrual rule, a law widely interpreted by eight Federal circuit courts to mean that the 180 day time limit for filing a charge of discrimination with the Equal Employment Opportunity Commission begins each time a discriminatory paycheck is received.

I would like to stress that this bill does not amend the rule that an aggrieved person may only recover back pay for the 2 years preceding the filing of the charge, so there will be no incentive to wait 5, 10, 15 or 20 years, as our opponents claim, to bring such a lawsuit. Moreover, employers prior to the Ledbetter decision were not inundated with stale pay discrimination claims, and this law will in fact not promote the filings of such claims.

The Ledbetter decision was a shocking decision for many of us, because we know what it is like to face pay discrimination in the workplace. It is not as though employers announce that they are going to engage in pay discrimination. Employees are not encouraged to discuss what they are making, so it is very difficult to find out that this kind of discriminatory action is even taking place.

Supreme Court Associate Ruth Bader Ginsburg strongly disagreed with the majority decision stating, "In our view, the court does not comprehend, or is indifferent to, the insidious way in which women can be victims of pay discrimination." She urged the Congress to act by passing this kind of legislation.

I urge my colleagues to vote strongly in favor of this bill.

Mr. McKEON. Mr. Speaker, I am happy now to yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), a member of the committee.

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, like all of my colleagues here on the floor and in the House of Representatives, I fully support efforts to end all forms of discrimination. I admire Ms. Ledbetter's bravery for standing up for her right to work in an environment free from discrimination.

I know what it is like. I sat in law school class and was told by my professor that I was taking up the place of someone who belonged there, a man. As a woman who has felt discrimination, I understand her frustration and I am pleased that Congress is discussing this important issue.

If this bill were an anti-discrimination bill, I would be happy to vote for it and would encourage others to support it. But this bill is not about discrimination. It is about the statute of limitations.

The statute of limitations is an institution in American jurisprudence that pertains to all cases and all causes of

action. For instance, for torts the statutes of limitations is 2 years; for contracts, it is 6 years; for employment termination or discrimination, it is 6 months. We can't legislate change in the statute of limitations just because we don't like a particular Supreme Court ruling.

□ 2230

The statute of limitation requires plaintiffs to bring a claim or a cause of action within a reasonable time. And that is so witnesses don't disappear or die off, memories don't fade, and supervisors don't move on and documents are not discarded or destroyed.

That is why I cannot support the legislation before us today. H.R. 2831 would dismantle the statute of limitation for filing a charge with the Equal Employment Opportunity Commission. If enacted, this legislation would allow an employee to bring a claim against an employer years, even decades, after the alleged act of discrimination.

In addition, this legislation would discourage the prompt investigation and resolution of discrimination. I think everyone would agree that if there is discrimination at an individual's place of work, it should be investigated and addressed as soon as possible to ensure fairness and prevent further discrimination.

Unfortunately, because no hearings were held on this legislation, I think the majority is rushing it through the House with little discussion on the bill itself. We can only speculate as to what all of the ramifications of this bill might be. I know that the gentleman is probably going to say there was a hearing, but it wasn't directly on this bill. So I would encourage my colleagues to oppose this well-intentioned but misguided statute of limitation legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for moving so quickly to fix this bill because we really can't wait. Fixing this bill, and thank you for taking us back to 1964, because that is about what happens here. The bill as it was intended, and this is not a hypertechnical statute of limitations bill. In fact, interestingly, the statute of limitations is not involved at all. It is the same 180 days as it always was.

The bill before us reinstates the law as it was consistently applied and interpreted by the courts, including the United States Supreme Court before, during and after I administered this law as the Chair of the Equal Employment Opportunity Commission and administered this very section. Once before the Supreme Court misread this, and Congress rushed to change it. And here we are back to a Supreme Court really reaching very hard away from what we had already fixed in the 1991 Civil Rights Act.

I want to remind my colleagues that the first pay cases under this act were

not brought by women at all. They were brought by black men who were working in Southern factories in a segregated part of those factories, paid less than white men. Imagine if we said, Look, you fellas, go and see if you can find out what the white men, who won't even let you work in the same part of the factory, are earning. Of course we didn't. And of course nobody can require that of women or African Americans, who are just as affected by what we do today as women are.

Imagine, the most secretive information a person has, besides your medical information, is how much money you earn. How many in this Congress, before your earnings were a matter of public record, knew how much the person sitting beside you earned? And particularly, if you are a minority, a woman or a minority, you are not going to go up, and if you are, you are not going to find out.

We have got to fix this. The American people have demanded it. We have to fix it for women. And remind you, we have to fix this for black people, for people of color who bring the majority of pay cases in our country today.

Mr. MCKEON. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) has 14½ minutes, and the gentleman from California (Mr. GEORGE MILLER) has 13½ minutes.

Mr. MCKEON. Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX), a member of the committee.

Ms. FOXX. Mr. Speaker, I want to thank my colleague from California for yielding me this time.

Along with everyone else here, I feel it is important to say that I am very much opposed to discrimination. It makes me ill to even think about discrimination that has occurred in this country in the past. But I am also very much opposed to this legislation. We don't need to be throwing the baby out with the bathwater.

When I first went to the North Carolina Senate, I was troubled by the way a lot of things were done there. And someone said to me, If you think that people operate here on logic, you are sadly wrong. They operate on emotion.

We have heard some very emotional comments made about this legislation and why it should be passed. Those of us who are opposing it are opposing it on very logical reasons.

This bill makes dramatic changes to civil rights law and would have an incredibly far-reaching impact, one which supporters of the bill have yet to take the time to thoroughly and appropriately consider. The underlying bill constitutes a major change in and expanded application of employment discrimination law.

Traditionally, civil rights laws have had adequate time for thoughtful review and consideration. However, this bill was brought before the Education and Labor Committee about 24 hours

prior to markup and rushed to the floor under a closed rule. It is critical that legislation of this complexity and with the potential for such significant impact be carefully considered and not rushed through only weeks after its introduction.

Many other things have been thoughtfully and rightfully said on our side, but I want to say that we need to talk about an area that is most likely to be dramatically impacted is that of our Nation's retirement system. This legislation contains a pension annuity check rule where charges could be brought many years after the discrimination occurs, and it could have long-standing impact on benefits. It could wind up discriminating against a lot more people than we are trying to help as a result of this legislation.

It is going too fast. We need to slow it down and do it right. We want to not have discrimination, but this is not the way to do it.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, this bill would restore to employment discrimination victims the realistic chance at justice that the Supreme Court recently took away from them. What is important to understand about the Court's decision is that everyone agreed that Lilly Ledbetter was the victim of intentional discrimination for 19 years. The Court said something truly astonishing, that the only discriminatory act was the initial decision to pay Lilly Ledbetter less than her male coworkers. Once the employer had successfully concealed that fact from her for 180 days, she was out of luck and Goodyear could openly go on paying her less just because she was a woman forever. The initial decision to discriminate was illegal, but the continuing decision to continue paying her less was perfectly okay. This upset 40 years of settled law, 40 years in which the companies of this country went under the rule that this bill would restore.

The Court's decision is an open invitation to employers to violate the law with virtual impunity. Once again, Congress must correct the Supreme Court and instruct it that when we said discrimination in employment was illegal, we meant it, and we meant for the courts to enforce it. And anyone who says that discrimination in employment should be illegal but should not be enforceable if the employer can hide the discrimination for 6 months is really saying let the discrimination go on forever. Let the women and the racial minorities and other people who are discriminated against be discriminated against forever.

Shame on the Supreme Court, and shame on those who would make employment discrimination victims helpless by opposing this bill. I urge adoption of this bill.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentlewoman from

Texas (Ms. GRANGER), a member of our elected leadership.

Ms. GRANGER. Mr. Speaker, I rise in strong opposition to the Democrats Lilly Ledbetter Fair Pay Act. At first glance, I simply disagree with the name of the bill. The Democrat's Fair Pay Act is not fair at all, not for employers, employees or our legal system.

Every American is entitled to an honest day's pay and we have laws on the book to ensure that is the case. But this bill goes well beyond its scope by effectively eliminating the statute of limitation in workplace discrimination cases.

This imposes a huge burden on businesses and opens them up to litigation years after alleged cases of discrimination. While it is inexcusable for anyone to face discrimination for pay or otherwise, to overturn the Supreme Court decision would allow for a flood of decades-old claims to resurface. The laws we have in place allow adequate time to file a charge against your employer and offers a set of guidelines to help individuals file a claim.

The burden this would place on small business owners and any company to track down a claim that occurred 20 years ago, for example, would cripple the system we have in place. The statutes of limitations are in place to help the employee-employer relationship so when something improper happens, the issue can be dealt with in a timely manner. Merely eliminating these guidelines would allow for someone to reopen a claim after 5, 10 or even after they have retired. Those involved may no longer work at the company or even be alive, for that matter.

If this passes, it will also eliminate the statute of limitations for the Age Discrimination in Employment Act, the American with Disabilities Act, and the Rehabilitation Act.

The Civil Rights Act and the employment discrimination laws currently on the books provide adequate protections for our employees. We should work to ensure that existing laws are enforced to protect employees against discrimination rather than passing overly broad laws that subject employers to open-ended liability.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of H.R. 2831, the Lilly Ledbetter Fair Pay Act. This important legislation overturns the recent Supreme Court decision, *Ledbetter v. Goodyear Tire*, a decision which undermines title VII of the Civil Rights Act of 1964.

The Ledbetter decision forces victims of discriminatory pay decisions to live with discriminatory paychecks for the duration of their career if they fail to file a claim within 180 days of the discrimination, possibly even if they had no knowledge of the discrimination within the 180 days. In other words,

after 180 days, an unsuspecting female, minority, elderly, or disabled worker would simply be out of luck.

This would even be the case if the employer admitted to the discrimination and continued to discriminate after the 180-day limitation had passed.

Mr. Speaker, we hear comments that there would be no statute of limitations. That is not true. Under the bill, there is still a statute of limitations; 180 days still applies. The plaintiff has to show that a discriminatory paycheck was issued within the last 180 days. And if the employer would simply stop discriminating and went a whole 180 days without discriminating, then the statute of limitations would apply and it would be too late to bring a case.

Under the Supreme Court decision, that unjust outcome under the case is not in keeping with title VII's remedial purpose or the spirit of the civil rights cases.

Now, Justice Ginsburg noted in her dissent, "Congress never intended to immunize forever discriminatory pay differentials unchallenged within 180 days of their adoption." I agree with Justice Ginsburg. And she also noted that Congress should correct this injustice. This bill corrects the injustice by appropriately expressing Congress's intent that title VII will hold employers accountable for unlawful employment discrimination.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Mr. Speaker, in this debate tonight I think we can all stipulate that discrimination in the workforce is wrong. It is wrong if it is against employees, and it is wrong if it is against employers. This bill may very well be seen as discrimination against honest American employers, job creators, because it has a seemingly unending period to file a lawsuit.

With that, women may very well experience real discrimination in that they may find that future employers are reluctant to hire them in the first place for fear of a lawsuit 5, 10, 20, maybe even 40 years down the road. Let's face it, memories fade, people die, they move away, and it becomes difficult, if not downright impossible, for a job creator to defend themselves.

It is a very impractical bill that we are looking at and could likely result in even more paperwork and higher cost for employers, and ultimately less wages for all American employees.

Congress needs to stop discriminating against American companies that are just trying to provide decent jobs to great employees. Instead, I think Congress should focus on enhancing American competitiveness and American prosperity.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

□ 2245

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I met Lilly Ledbetter during

the House Judiciary Committee hearing last month. At that time, she explained how she was repeatedly harassed during her 20-year career at Goodyear. Lilly Ledbetter described for us in Judiciary how she had no proof of pay discrimination until someone anonymously slipped payroll records into her mailbox. Now, as much as our colleagues on the other side of the aisle would like to wish it to be otherwise, until a few months ago, it was established law that each paycheck constitutes a discriminatory act under the law.

When they were confirmed, Chief Justice Roberts and Justice Alito promised to follow precedent. They promised to practice judicial restraint. Instead, they rewrote the law and pushed an activist, conservative agenda. They denied Lilly Ledbetter justice.

In the real world, discrimination is subtle and takes years to become evident. However, Justice Alito ruled that victims have only 180 days after a discriminatory decision has been made to file suit, even if that employee would have no way of knowing about it. This standard is impossible to meet. The opponents of this bill expect employees to be clairvoyant.

Many companies intentionally prohibit their employees from comparing salaries and pay raises, and this decision will allow employers to shield discriminatory practices.

The Ledbetter Fair Pay Act rights this wrong. It clarifies that an employee is discriminated against each and every time she receives an unfair paycheck, and I'm surprised at my colleagues, particularly my female brethren on the other side of the aisle, who are standing in front of this House and asking the House to continue and repeat the practice of discrimination against women who have been unfairly treated for years and years.

I urge my colleagues to support fair pay in the workplace, and I thank Chairman MILLER for his leadership on this issue.

Mr. McKEON. Mr. Speaker, I'm happy now to yield to the gentleman from New Mexico (Mr. PEARCE) 2½ minutes.

Mr. PEARCE. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, I rise to oppose this legislation today. Many have stated it well, that discrimination is not the subject here tonight. It is the end of the statute of limitations which is at issue.

I would like to just make a point that often we're accused in Congress of appealing to the special interests, and I can't tell what the motivation is on this particular piece of legislation. It could have been narrowly scripted to where it applied only to the person that was being affected, to where the question of whether or not it applies to the full statute of limitations really would not even be a question.

I can tell you that on Thursday of last week we sat in the Resources Committee, and we heard testimony that talks about the Hard Rock Mining bill that is coming up to regulate Hard Rock Mining. There is a provision written by a former Clinton solicitor who is now working for a special interest group. That provision in that legislation we read says, "Notwithstanding the decision of the United States Court of Appeals for the Tenth Circuit in *High Country Citizens' Alliance v. Clarke*," and then it goes on to say that all the decisions in court are going to be set aside, and we're going to allow this group to go back to court once more.

Keep in mind that the district court found against the group, then the appellate court found against the group, and finally, the Supreme Court said we will not hear the case. So all three levels of judicial review had been listened to and turned down, and yet this Congress, this majority, says we're going to set it aside. That was last week Thursday.

Last week Friday, we had the Imams case, the John Does. You will recall that how innocent people who report suspicious behavior would be taken to court. Three-quarters of this House voted against that, and yet the House's leadership found it necessary to strip the provision out in conference. That provision was stripped out, and that provision was added then only under great pressure from this country.

And now we're at this case. It would have been possible and could have been possible to narrowly craft this legislation to where the question did not come up. I feel that it is the special interests of the trial lawyers who in each case would have had open venue, open access to many millions of Americans which was at stake, and I feel that's what's like at stake here.

It is not good for American business. It is not good for American competitiveness. I'm deeply opposed to this legislation, and I thank the gentleman for yielding.

Mr. GEORGE MILLER of California. Mr. Speaker, I reserve my time.

Mr. McKEON. How much time do we have?

The SPEAKER pro tempore. The gentleman from California (Mr. McKEON) has 6½ minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 7 minutes remaining.

Mr. McKEON. Mr. Speaker, I'm happy to yield at this time to the gentleman from Minnesota (Mr. KLINE) 3 minutes, ranking member on the subcommittee.

Mr. KLINE of Minnesota. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to oppose H.R. 2831. I think it's been really an interesting debate this evening. We've heard views on both sides, and clearly, we simply disagree on some fundamental aspects of this, and I want to address that as well during my 3 minutes.

Speaker after speaker on this side of the aisle has stood up and said that this legislation effectively eliminates the statute of limitations for a broad range of discrimination claims. I believe that's correct.

The gentleman from Florida (Mr. KELLER) stood up here and recounted for us the activities of the Supreme Court, and he quoted from the justices the language that pertained, and it seemed clear to me that there was a fairness issue here. And while our hearts were all touched by the testimony of Lilly Ledbetter and by the circumstances of her case, it was clear to the court and to Mr. KELLER and to me that it's simply unreasonable to allow year after year after year to go by after a discriminatory act occurs before you make the claim, when in some cases people will have left, perhaps have died and moved on.

This is a huge boon to the trial lawyers of America. It's going to bring forward endless litigation, case after case going on day after day. What businesses will have to do in terms of recordkeeping is staggering in its scale.

This imperils pensions. One of our colleagues brought up that issue. It is not at all clear, despite some findings language in the bill, that our pensions will be protected in this legislation. Potentially, you can have pensions who simply don't have the funds to pay the earned benefits. This is bad policy, Mr. Speaker, and it's made in haste.

Mr. Speaker, it is very clear that this legislation amounts to a significant change in our civil rights laws. It's very clear to me, and unfortunately, many of the questions of concern raised by the Ledbetter case have yet to be answered. In the normal legislative process, such questions would have been raised in committee hearings, subcommittee and full committee. Concerns would have been debated in good faith.

Unfortunately, this was not the process that brought this bill to the floor. The Committee on Education and Labor had no legislative hearings. The bill was not before us the one time we had some witnesses before us to talk about this at all. The time elapsed from the bill's introduction to committee markup was little more than 24 business hours, and we learned on Friday that we were going to be debating this bill on the floor today. Surely, a huge change like this to our civil rights laws deserves more of our time, attention and effort than the majority has seen fit to provide.

Once again, the majority has chosen haste and speed over quality in making public policy. My concerns and unanswered questions can only lead me to say that the Ledbetter bill makes for bad policy, creating a flawed legislative process.

I urge my colleagues to vote against this legislation.

Mr. GEORGE MILLER of California. If I can inquire of the Chair as to the allocation of time?

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) has 7 minutes. The gentleman from California (Mr. McKEON) has 3½ minutes.

Mr. GEORGE MILLER of California. As I understand, I have the right to close.

The SPEAKER pro tempore. The gentleman has the right to close.

Mr. GEORGE MILLER of California. We're reserving 3 minutes; is that right?

Mr. McKEON. It was my understanding we were going to finish up tomorrow.

Mr. GEORGE MILLER of California. So we're reserving 3 minutes each. You've got a half minute. You and I will close, and we will each have 3 minutes for tomorrow.

Mr. McKEON. So you want me to take 30 seconds?

Mr. GEORGE MILLER of California. Yes.

Mr. McKEON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, as Mr. KLINE just said, I think we have had a good debate here tonight.

As we did have that hearing on Ms. Ledbetter's case, the bill wasn't before us, but we did hear her story. And all of us I think felt bad for her for the things that happened to her 20, 30 years ago.

But what was also said, as we're sent here to represent all of our constituents, we can't totally let emotion guide our decisions. We have to make good law, sound law, and I think we're worried about losing the statute of limitations. I think that's something we really need to protect against.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, let us understand something here. They can say it until the cows come home, but the fact of the matter is, this legislation restores the law to what it was before. Up until the Supreme Court made its ruling, each discriminatory check that was issued was a violation of the law, and you had 180 days from the issuance of that check when you discovered it to file a claim. This legislation would restore that law as it was.

If you file that claim, if you were successful in proving your claim, you could receive up to 2 years back pay. That was the law up until the Supreme Court decision. That would be the law if we passed this legislation.

Now, my colleagues on the other side of the aisle have said that if we pass this law, the courts will be inundated with lawsuits. The people will wait 5, 10, 15, 20 to file a lawsuit, that there will be cases where the witnesses die and memories fade and long times will expire and we won't be able to have justice. It will be a huge cost on the business community. It will change our competitive stature in the world. It will limit economic growth. All of that from little Lilly Ledbetter.

What's the problem with that? If all of that was true, why haven't my colleagues come to the floor of the House in the 12 years they controlled the House of Representatives and the United States Senate and asked to change the law? Why hasn't the President of the United States, who's been in office for 6½ years, asked to change the law?

Why hasn't that happened? Because none of the things you talked about happened under the previous law. It didn't change our competitiveness. They weren't involved in thousands of cases. People didn't wait 40 or 50 years to get 2 years back pay. No, none of those things happened.

But they want to scare people into believing if we go back to the law as it was before the Lilly Ledbetter case and the Supreme Court overturned all of these years of laws and justice and fairness and anti-discrimination provisions, that somehow all of these terrible things would happen, but they didn't happen, and that's been the law all of these years.

So, tomorrow we will get an opportunity to vote to restore the protections of every American citizen against pay discrimination, to restore justice to the workplace, to restore the right of an individual to be paid the same as those who are doing the same job for the same reasons and the same purposes. That's what we seek. That's all Lilly Ledbetter sought, but she couldn't get justice at the Supreme Court. No, she couldn't get it even though a jury found that that could be the situation.

So we're going to have to restore this for the people of this country, and again, we'll simply be restoring the law. You can tell the doomsday scenarios all day long. You can predict all of the things that are going to happen, but none of them have happened in the last 35 years. None of them have happened in the last 35 years.

So at least you ought to properly represent what the law was and what the law will be, and with that, I look forward to the conclusion of the debate tomorrow.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I met Lilly Ledbetter during a House Judiciary Committee hearing last month. At that time, she explained how she was repeatedly harassed during her 20-year career at Goodyear. She told me how she had no proof of pay discrimination until someone anonymously slipped payroll records into her mailbox. Until a few months ago, it was established law that each paycheck constitutes a discriminatory act under the law.

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have no way of knowing about it! This standard is impossible to meet.

Many companies intentionally prohibit their employees from comparing salaries and pay raises, and this decision will allow employers to shield discriminatory practices.

The Ledbetter Fair Pay Act rights this wrong. It clarifies that an employee is discriminated against each and every time she receives an unfair paycheck.

I urge my colleagues to support fair pay in the workplace, and I thank Chairman MILLER for his leadership on this issue.

Mr. STARK. Mr. Speaker, I rise in strong support of pay equity.

The rationale for the Ledbetter Fair Pay Act of 2007 should be obvious. All people, regardless of gender, race, ethnicity, and religious or sexual orientation, should receive equal pay for equal work.

Unfortunately, that is not the case today in America. African-Americans make only 77 cents for every dollar made by men, black families make about 60 cents of every dollar made by whites, and gays, lesbians and other minorities regularly face discrimination in the workplace.

The Supreme Court's recent decision makes it incredibly difficult for employees to challenge acts of discrimination. The decision limits to six months the period in which victims can challenge their employers and be compensated for discrimination.

Such a time limit was insufficient for Lily Ledbetter, whose pay slowly slipped in comparison to the pay of her male coworkers over a period of nineteen years. It would also be insufficient for millions of other workers, who often learn of pay discrimination only after the fact. The majority of companies do not release information on comparable salaries, making it difficult if not impossible for employees to determine if wage discrimination is taking place.

In a typically shortsighted move, Bush has threatened to veto this bill on the grounds of preventing frivolous lawsuits. The word "frivolous" can be used to describe many things, but it most certainly cannot be used to describe a bill that brings the people of this country a step closer to the equality that they deserve. For someone who claims he wants to spread the principles of equality and democracy to the people of the Middle East, it is unfathomable that he would fail to uphold these ideals for the people of this country.

As representatives of a country that was founded on the idea of equality for all, there is no excuse for denying citizens the opportunity to contest acts of discrimination. I urge my colleagues to support this important legislation.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of the Ledbetter Fair Pay Act of 2007 (H.R. 2831), which is an important step in ensuring the fair and equal pay deserved by women in our workforce.

Women have made tremendous strides forward in America's workforce. Earlier this year I was proud to see the election of the first female Speaker of the House. Today, women serve as executives at some of America's largest corporations and in distinguishing professions such as medicine and law. However, 43 years after the Civil Rights Act was enacted by Congress, women such as Lilly Ledbetter continue to struggle to receive payment equal to their male counterparts. These women, who perform the same jobs with the same responsibilities, on average earn only 77

cents for every dollar that their male counterparts earn. They have had to overcome one obstacle after another on their way to earning equal pay and equal respect for their work.

On May 29th, 2007, the United States Supreme Court threw yet another obstacle into the path of women in the workforce with the decision of Ledbetter v. Goodyear. According to this decision, if an employee fails to file a claim within 180 days of their employer's decision to pay them less, rather than when she receives a discriminatory paycheck, she will be barred forever from challenging the discriminatory paychecks that follow and forced to live with the discriminatory pay for the rest of her career. If this is allowed to stand, it will be a severe setback to women everywhere.

I am proud to be a cosponsor of H.R. 2831, which would restore protections guaranteed under Title VII of the Civil Rights Act for victims of pay discrimination who are entitled to justice and fair pay. Contrary to what opponents of this legislation have said, this bill does not eliminate the statute of limitations on claims. What it does is ensure that the clock on the statute of limitations begins once a discriminatory paycheck is received rather than from the point a decision was made to discriminate against an employee. Every discriminatory paycheck will be a new violation of this law and restart the clock for filing a claim. Until the Ledbetter decision, this was the accepted understanding of Title VII and this bill will restore the law prior to Ledbetter.

Mr. Speaker, we must continue the fight for pay parity begun by Congress over 40 years ago. I would like to thank Chairman GEORGE MILLER for his leadership on this important issue in the House Education and Labor Committee. This piece of legislation, as well as the Paycheck Fairness Act (H.R. 1338) introduced by my good friend Representative ROSA DELAUNO of which I am also a cosponsor, are needed to ensure women continue to receive equal treatment. I urge all my colleagues to stand up for women workers and vote in favor of this bill.

Mr. LOEBSACK. Mr. Speaker, I rise today, in strong support of the Lilly Ledbetter Fair Pay Act of 2007. This bill will rectify the 5–4 Supreme Court decision in the case of Lilly Ledbetter and preserve worker's rights everywhere.

Lilly Ledbetter was a female production supervisor at a Goodyear plant in Gadsden, Alabama. She worked for 19 years and retired in 1998. Six months prior to her retirement she filed a charge with the EEOC alleging various claims of sex discrimination.

Despite receiving awards for top performance, Ms. Ledbetter received several unfair, negative evaluations and her pay dropped well below that of her male counterparts. Ledbetter's supervisor even admitted that one year her pay fell below the minimum threshold for her position.

Ms. Ledbetter's case went to trial, and an Alabama court found in her favor, but Goodyear appealed and the case eventually went to the Supreme Court. Unfortunately, the Supreme Court tossed aside prior law and ruled against Ms. Ledbetter.

This case has far reaching effects on all worker's civil rights. If an employee does not file a charge within 180 days of a discriminatory pay decision, the employer's pay decision is immunized. The employee must live with discriminatory pay for the rest of her tenure,

and the employer reaps the financial benefits of unlawfully underpaying the employee.

There are numerous problems with this line of reasoning. Employees often don't know about a discriminatory decision until it is too late. Pay disparities are difficult to discern. Many employers prohibit employees from discussing their salaries, and workplace norms warn against asking coworkers about their salaries. Additionally, a minor pay disparity adopted for discriminatory reasons in the beginning of a career may go unnoticed until, years later, after subsequent percentile adjustments, it is too large to ignore.

This bill overturns the *Ledbetter v. Goodyear* decision and restores the longstanding interpretation of Title VII of the Civil Rights Act and states that each paycheck that results from a discriminatory decision is itself a discriminatory act that resets the clock on the 180-day period within which a worker must file.

This bill acknowledges the realities of the workplace and provides necessary protections to hardworking men and women. I urge my colleagues to support its passage.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H.R. 2831, The Lilly Ledbetter Fair Pay Act of 2007.

I want to thank my friend, Congressman GEORGE MILLER, for sponsoring this bill and for his tireless efforts on behalf of working American families everywhere.

This past May, the Supreme Court handed down a decision with disastrous consequences for many Americans. With their ruling on the *Ledbetter v. Goodyear* case, the Court severely limited the right of workers to sue their employers for discrimination in pay.

If allowed to stand, this decision will strip many of the rights of employees who have been discriminated against on the basis of sex, race, color, or religion.

Today's bill rectifies the Supreme Court's misguided decision.

By restoring the longstanding interpretation of Title VII of the Civil Rights Act—Congress is ensuring that every American has the basic workplace protection they deserve.

Currently—women earn 76 cents to every dollar a man earns. This is unacceptable. Discrimination in the workplace must no longer be tolerated. We must ensure equal pay for equal work.

It is our duty to protect the rights of every American—no matter their skin color, gender, or income level.

I urge my colleagues to protect the rights of working Americans and to vote in favor of H.R. 2831.

Mr. RUPPERSBERGER. Mr. Speaker, I rise in strong support of the Lilly Ledbetter Fair Pay Act of 2007.

The Supreme Court ruled in a narrow 5–4 decision that Lilly Ledbetter was not entitled to any remedy after demonstrating she had been paid as much as 40 percent less than male workers doing the same job for 19 years. The decision was founded on a narrow misreading of the intent of Congress in the Civil Rights Act of 1964. The Court erroneously ruled that Ms. Ledbetter could only rely on paychecks she received in the final 180 days of her career at Goodyear to prove discrimination.

Mr. Speaker, the Supreme Court's narrow reading of the law prompted me to introduce my own legislation to correct this injustice. I was joined by Congresswoman CAROLYN KIL-

PATRICK and Congresswoman DEBBIE WASSERMAN SCHULTZ as original authors of H.R. 2660, the "2007 Civil Rights Pay Fairness Act". I want to thank them both for working with me on this issue, and I commend our Chairman GEORGE MILLER for moving expeditiously to right this wrong. Chairman MILLER's bill brings about a different remedy in H.R. 2831, but it is no less forceful, and I am proud to also be a cosponsor.

Both bills clarify the intent of Congress by amending the Civil Rights Act of 1964 to make clear that courts must consider a pattern of pay decisions that recur and are cumulative. H.R. 2660 and H.R. 2831 are bills that ensure that victims of workplace discrimination receive effective remedies. The decision of the Court in this case was a sharp departure from precedent and would greatly limit the ability of pay discrimination victims to vindicate their rights.

Congress must make clear that a pay discrimination claim accrues when a pay decision is made, when an employee is subject to that decision, or at any time they are injured by it. As a former prosecutor and County Executive, I fought against this kind of injustice and I am pleased this House is ready today to stand up and correct the error of the Supreme Court in the *Ledbetter* case.

Mr. Speaker, I urge my colleagues to vote in favor of the Lilly Ledbetter Fair Pay Act of 2007 to correct the Supreme Court's misinterpretation of Title VII regarding when a pay discrimination claim is timely filed.

Mr. HOLT. Mr. Speaker, I rise today in strong support of the principle of equal pay for equal work and the Lilly Ledbetter Fair Pay Act of 2007, H.R. 2831.

On May 29, 2007, the Supreme Court issued a disturbing and retrogressive ruling. In a 5–4 ruling the Court issued its decision in a sex discrimination case, *Ledbetter v. Goodyear*, that fundamentally changed protections that American workers have enjoyed for more than 40 years when they were codified in the Civil Rights Act of 1964.

As a member of the House Committee on Education and Labor, I participated in a hearing on the flawed ruling in *Ledbetter v. Goodyear*. During that hearing the Committee heard testimony from Lilly Ledbetter describing the pay discrimination that resulted in her earning twenty percent less than the lowest paid man in the same position at Goodyear.

Applying the law as it was written and intended, the trial court awarded Lilly Ledbetter backpay and compensatory damages because of Goodyear's illegal sex discrimination. On appeal it went all the way to the Supreme Court, where Justice Samuel Alito led the 5–4 majority in dismissing the case. According to Justice Alito, when Lilly Ledbetter failed to file a discrimination case within the statutorily provided 180 days from the initial decision to pay her less than her male colleague, she was barred from filing a complaint and no relief was available. Despite documenting the sex based evaluation system Goodyear managers used, Lilly Ledbetter was denied justice and the rights afforded to her under the Civil Rights Act.

In a strongly worded dissent Judge Ginsburg noted the fallacy of the Majority's argument regarding the timeliness of Lilly Ledbetter's filing. She reminded the Court that a previous ruling that held each "paycheck perpetuating a past discrimination . . . are ac-

tionable not simply because they are 'related' to a decision made outside the charge-filing period . . . but because they discriminate anew each time they are issued."

Judge Ginsburg explicitly called on Congress to intervene and uphold the protections provided by the letter and the spirit of the law, saying "the ball is in Congress' court."

Today, we answer Judge Ginsburg's call and reverse this disturbing Supreme Court decision. Today, we make clear that Congress is committed to protecting the rights of American workers and to ensuring that they have adequate remedies if they are discriminated against in the workplace.

The passage of the Lilly Ledbetter Fair Pay Act of 2007 clarifies that when it comes to discriminatory pay, the protections of Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act and the Rehabilitation Act extend not only to these discriminatory pay decisions and practices but to every paycheck that results from those pay decisions and practices. Any reasonable citizen who believes that we need protect the rights of workers for fair treatment at the workplace and fair pay would surely find the Supreme Court decision unreasonable. We must act once to reestablish fairness. I urge my colleagues to support this important legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my unexpired time, and I reserve the 3 minutes for tomorrow.

□ 2300

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 579, further proceedings on the bill will be postponed.

EIGHTMILE WILD AND SCENIC RIVER ACT

Mr. GRIJALVA. Madam Speaker, pursuant to House Resolution 580, I call up the bill (H.R. 986) to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eightmile Wild and Scenic River Act".

SEC. 2. WILD AND SCENIC RIVER DESIGNATION, EIGHTMILE RIVER, CONNECTICUT.

(a) FINDINGS.—Congress finds the following:

(1) The Eightmile River Wild and Scenic River Study Act of 2001 (Public Law 107–65; 115 Stat. 484) authorized the study of the Eightmile River in the State of Connecticut from its headwaters downstream to its confluence with the Connecticut River for potential inclusion in the National Wild and Scenic Rivers System.

(2) The segments of the Eightmile River covered by the study are in a free-flowing condition, and the outstanding resource values of the river segments include the cultural landscape, water quality, watershed